

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	
)	8:15CR326
Plaintiff,)	
)	
vs.)	ORDER
)	
DAVID ARRIAGA,)	
)	
Defendant.)	

This matter is before the court on the oral motion of defendant David Arriaga (Arriaga) for new counsel. Arriaga's request was made known at a status conference on December 21, 2015. Arriaga was present with his appointed counsel Assistant Federal Public Defender Michael F. Maloney and the United States was represented by Assistant U.S. Attorney Susan T. Lehr. Arriaga requested time to employ retained counsel. The matter was scheduled for December 28, 2015. That hearing was canceled due to the closure of the courts in Omaha due to inclement weather. The matter was rescheduled for January 4, 2016.

On January 4, 2016, Arriaga again appeared with Mr. Maloney. Ms. Lehr was present for the United States. Arriaga stated he wished to continue with Mr. Maloney's representation. Additional time is needed for Arriaga to prepare for trial. Accordingly, trial scheduled for January 4, 2016, will be continued to February 16, 2016.

The ends of justice have been served by continuing the trial and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the continuance, **from December 21, 2015, through February 16, 2016**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

IT IS SO ORDERED.

DATED this 4th day of January, 2016.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge